

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PEERLESS INSURANCE COMPANY, as
subrogee of Rhode Island Cardiology Center, LLC
Plaintiff,

v.

BRADFORD WHITE CORPORATION,
Defendant.

C.A. NO.:

CA 13- 380S

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the District of Rhode Island

Pursuant to 28 U.S.C. §§ 1441 *et. seq.* and LR Cv 81(a) Defendant, Bradford White Corporation (“Bradford White”) hereby removes the action captioned Peerless Insurance Company, as subrogee of Rhode Island Cardiology Center, LLC v. Bradford White Corporation, C.A. No.: P13-1436, now pending in the Rhode Island Superior Court, Providence County, to the United States District Court for the District of Rhode Island. In so doing, Defendant states the following:

1. The plaintiff, Peerless Insurance Company, as subrogee of Rhode Island Cardiology Center, LLC (“Peerless”), filed an action in Rhode Island Superior Court on or about March 27, 2013. A copy of all papers served on Defendant are attached hereto as **Exhibit A**.
2. Peerless does not identify the state(s) of citizenship of itself, and incorrectly states that Bradford White is a Tennessee corporation. Upon information and belief, Peerless is a New Hampshire corporation with a principal place of business in Keene, New Hampshire. Bradford White is a Delaware corporation with a principal place of business in Ambler, Pennsylvania.
3. In its complaint, Peerless alleges that a water heater manufactured by Bradford White failed, causing damage to the property of its insured. Peerless fails to specifically allege how much damages it suffered, indicating only that it “made payments to [its insured] for

damages to the premises and contents....” However, based on the allegation that the damage to Peerless’s insured was “in excess of \$300,000,” it can be reasonably inferred that the damages suffered by Peerless exceed \$75,000.00.

4. As a result, this Court has original subject matter jurisdiction over this action on the basis of 28 U.S.C. § 1332, as there is complete diversity of citizenship between Peerless and Bradford White, and because the matter in controversy exceeds \$75,000.00.

5. Defendant first received a copy of the complaint on April 24, 2013.

6. Pursuant to 28 U.S.C. § 1446, Defendant’s notice of removal is timely as it is filed within thirty (30) days of receipt of the complaint.

7. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal is being filed with the Rhode Island Superior Court.

8. Pursuant to LR CV 81(b), Bradford White will file certified or attested copies of the docket sheets and all documents that have been filed in the Superior Court.

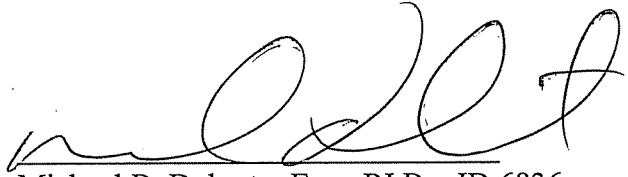
WHEREFORE, Bradford White respectfully requests that the above action now pending against it in the Rhode Island Superior Court be removed therefrom to this Court.

(Signature on next page)

Respectfully submitted,

BRADFORD WHITE CORPORATION

By its attorney,



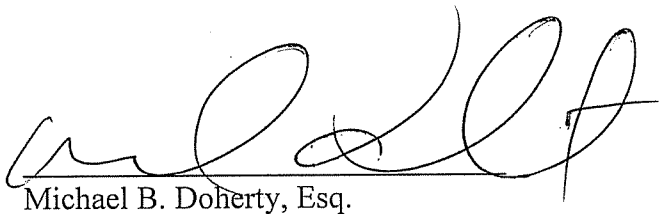
Michael B. Doherty, Esq., RI Bar ID 6836
PRETI FLAHERTY BELIVEAU & PACHIOS, LLP
Ten Post Office Square
South Building, Fifth Floor
Boston, MA 02109
mdoherty@preti.com

Date: May 22, 2013

CERTIFICATE OF SERVICE

I, Michael B. Doherty, counsel for Defendant, Bradford White Corporation, hereby certify that on this, the ___st day of May, 2013, I caused of copy of the within Notice of Removal to be served *via* First Class Mail, postage prepaid, upon:

Mark B. Morse, Esq.
Law Office of Mark B. Morse
420 Angell Street
Providence, RI 02906



Michael B. Doherty, Esq.